

OFFICE OF THE APPELLATE DEFENDER

REPORT TO THE MONTANA PUBLIC DEFENDER COMMISSION

July 1, 2009 - September 30, 2009

The Appellate Defender Office (ADO) took in a total of 53 new appeals during the above period. Two cases are being handled by OPD Program 1 attorneys; four cases have been contracted out of office; and two cases have been conflicted out of the office. Two new postconviction relief cases have been contracted out of the office. Two writs of supervisory control were handled by OPD Program 1 attorneys.

Currently the ADO is awaiting either transcripts or the district court record to be filed before appointment on 34 cases. There are 14 cases pending the filing of the notices of appeal and transcript requests.

The Appellate Office is filing all Notices of Appeal and Transcript Requests in OPD cases including contracted cases. This new procedure is working well for both OPD and contract attorneys and has proven beneficial to all parties involved.

The ADO has implemented its newest procedure of receiving case files electronically except in D/N, DI and Juvenile cases and this procedure is also proving to be more cost effective in all aspects.

A total of 586 briefs filed from the period of 6/30/2006 through 9/30/2009.

There are 180 cases open within the ADO. This includes Appellate Cases, Writs of Supervisory Control, Postconviction Relief Cases and all Contract Cases.

FTE within ADO	98
Regional FTE	5
Contract	20
Postconviction Relief	18
Writs of Supervisory Control	3
Inactive cases pending opinion	30
Conflict Cases	4
Open Remands	2

To date 569 cases have been closed. This includes Appellate Cases, Writs of Supervisory Control, Postconviction Relief Cases and all Contract Cases. This number does not include the Open, Open Active or Pending Opinion cases listed below.

Writs

Total Filed	39
Open	3
Denied	18
Granted	15
Dismissed	3

PCR

Total Cases	37
Open Active	18
Granted	2
Dismissed	6
Denied	11

Appeals

Dismissed	109
Remittur	311
Rev/Remand	50
Consolidated	18
Private Co.	3
Affirm/State App	3
Remands	20
Pending Opinion	30